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SEP 22 2010

In re Application of : OFFICE OF PETITIONS
Josephy et al. :
Application No. 10/758,985 : DECISION ON PETITION
Filed: January 16, 2004 :
Attorney Docket No. 2543-US-D1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due, which was mailed February 19, 2009. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 20, 2010. A Notice of Abandonment was mailed on May 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the \$1510 issue fee and \$300 publication fee, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

It should be noted that a terminal disclaimer is not required as this is not a design application and the application was not filed prior to June 8, 1995.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for further processing.

Charlema Grant
Petitions Attorney
Office of Petitions